

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:21-CV-00189-KDB**

RICHARD BURGESS,

Plaintiff,

v.

**KILOLO KIJAKAZI , Acting
Commissioner of Social Security,**

Defendant.

ORDER

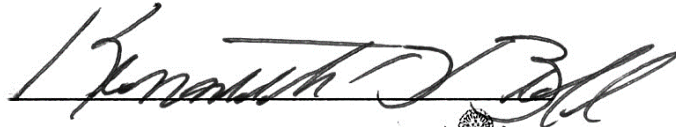
THIS MATTER is before the Court on Plaintiff's Consent Motion for Fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A). (Doc. No. 18). Having reviewed the motion and the supporting materials the Court determines that Plaintiff should be awarded an attorney's fee under 28 U.S.C. § 2412(d) in the amount of \$6,000.00. Additionally, Plaintiff shall be paid \$402.00 in costs from the Judgment Fund by the U.S. Department of the Treasury pursuant to 28 U.S.C. § 2412(a)(1).

IT IS THEREFORE ORDERED that Plaintiff be awarded \$402.00 in costs under 28 U.S.C. § 2412(a)(1) and \$6,000.00 in attorney's fees under 28 U.S.C. § 2412(d). Pursuant to *Comm'r of Soc. Sec. v. Ratliff*, 560 U.S. --, 130 S. Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of

EAJA fees and pay the awarded fees directly to Plaintiff's counsel, Derrick Arrowood, at P.O. Box 58129, Raleigh, North Carolina 27658.

SO ORDERED

Signed: March 21, 2022

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

